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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS  
DOCKET NO.

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF  
  
DELFIN TUMIBAY, D.V.M.  
  
TO PRACTICE VETERINARY MEDICINE  
IN THE STATE OF NEW JERSEY

Administrative Action  
  
CONSENT ORDER

This matter was opened to the New Jersey State Board of Veterinary Medical Examiners upon receipt of a complaint that Delfin Tumibay, D.V.M., had been negligent in his care and treatment of "Jackie," a dog approximately 15 years old owned by Mr. and Mrs. William Milorey. Specifically, it was alleged that on or about August 10, 1992, Dr. Tumibay had performed surgery

for the removal of a cancerous tumor; that following the surgery he had failed to properly care for the dog; that the dog became dehydrated and febrile and the incision infected; that the dog could not stand up; and that the owners removed the dog from Dr. Tumibay's care on August 14, 1992, and transported her to another veterinary hospital. There "Jackie" was treated but continued to be unable to walk, and she was euthanized on August 24, 1992.

Dr. Tumibay appeared before the Board on February 10, 1993, accompanied by his attorney, Anthony F. Malanga, Jr., Esq., to answer questions about his treatment of "Jackie." Based on his testimony and on the records before it, the Board found probable cause to file a complaint for the suspension or revocation of Dr. Tumibay's license to practice veterinary medicine in this State pursuant to N.J.S.A. 45:1-21(d), for repeated acts of negligence including an inadequate pre-surgical evaluation, substandard anesthesia technique, unacceptable combination of pre-anesthetic agent and anesthesia, failure to create required Controlled Dangerous Substance records, improper supportive care during and after surgery, and inadequate testing to diagnose a post-surgical complication.

Dr. Tumibay wishing to settle this matter without the necessity for formal administrative action, and the Board being satisfied that this Order is adequately protective of the public interest, and other good cause existing for the entry thereof:

IT IS on this 16<sup>th</sup> day of July, 1993,

ORDERED that licensee Delfin Tumibay, D.V.M., be and hereby is reprimanded for his repeated acts of negligence in treating the aforesaid dog, and it is further

ORDERED that Dr. Tumibay shall pay to the Board the costs of investigation in this matter in the amount of \$152.30 and a civil penalty in the amount of \$500.00 for each count recited above, for a total civil penalty of \$2500.00.

BOARD OF VETERINARY MEDICAL  
EXAMINERS

BY Thomas Sanguini V.M.D.  
Thomas Sanguini, V.M.D.  
President

I have read and understood the within Order and agree to be bound by the terms herein. Consent is hereby given for the Board to enter this Order.

Delfin Tumibay  
Delfin Tumibay, D.V.M.

Consent as to Form

Anthony F. Malanga, Jr.  
Anthony F. Malanga, Jr., Esq.

I CERTIFY THAT THIS IS A  
TRUE AND CORRECT COPY.

Marianne C. Kehoe  
Marianne C. Kehoe  
Executive Director